In the Supreme Court of the United States.

OCTOBER TERM, 1903.

THE UNITED STATES EX RELATIONE Charles P. Steinmetz, plaintiff in error,
v.
FREDERICK I. ALLEN, COMMISSIONER of Patents.
No. 383.

MOTION TO ADVANCE.

Now comes the defendant in error, Frederick I. Allen, Commissioner of Patents, by the Solicitor-General, and moves the court to advance the above-entitled cause on the docket for hearing at the convenience of the court during the present term, for the following reason:

The case *ex parte* Herman A. Frasch, No. 17, original, now pending before this court on return to a rule to show cause, relates to the same general question of practice in the United States Patent Office as does this case, and it is believed that the labor of the court and of counsel will be lessened by considering the two cases together.

The present case is a petition for a mandamus, directing the Commissioner of Patents to allow an appeal within his office, from a requirement that an applicant for patent divide his application, and present claims to his machine, and claims to the process said to be performed by that machine, in separate applications. The Frasch case is a petition to this court for a mandamus directing the court of appeals of the District of Columbia to entertain and decide an appeal from the action of the Commissioner of Patents, requiring an applicant to make a division between his process claims and his claims to a machine. Both cases involve the question whether a requirement for division in the Patent Office is an appealable decision under sections 4909, 4910, and 4911, Revised Statutes.

HENRY M. HOYT,
Solicitor-General.

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